

ERICK L. GUZMAN
California State Bar No. 244391
FEDERAL DEFENDERS OF SAN DIEGO, INC.
225 Broadway, Suite 900
San Diego, California 92101-5008
Telephone No. (619) 234-8467
Email: erick_guzman@fd.org

Attorneys for Mr. Gomez

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE WILLIAM Q. HAYES)

UNITED STATES OF AMERICA,)	Criminal No. 08CR1003-WQH
)	
Plaintiff,)	DATE: May 12, 2008
)	TIME: 2:00 P.M.
)	
v.)	MEMORANDUM OF POINTS AND
)	AUTHORITIES IN SUPPORT OF
LUIS GOMEZ,)	DEFENDANT'S MOTIONS
)	
Defendant.)	

I.

STATEMENT OF FACTS¹

On March 4, 2008, Mr. Gomez-Dominguez was again arrested for illegal re-entry. On, April 2, 2008 the government filed an indictment, to which Mr. Gomez pled not guilty.

II.

COMPEL ALL DISCOVERABLE MATERIAL

Mr. Gomez requests all discoverable material pursuant to Federal Rule of Criminal Procedure 16, Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972). This includes material that may support any defense pre-trial motions. See United States v. Cedano-Arellano, 332 F.3d 568 (9th Cir. 2003) (Rule 16 applies to discovery material to defense pre-trial motions); United States v. Gamez-

¹ These "facts" are based on discovery provided by the government. Mr. Gomez does not concede the veracity of any of these allegations.

1 Orduno, 235 F.3d 453, 462 (9th Cir. 2000) (Brady applies to material supporting defense pre-trial motions).
2 Mr. Gomez also requests any evidence that the government may potentially attempt to enter vis-a-vis rule
3 Federal Rule of Evidence 404(b).

4 Mr. Gomez also requests the court to order access to his "A-File" pursuant to Rule 16(a)(1)(B) of the
5 Federal Rule of Criminal Procedure, which provides that "upon request of the defendant, the government
6 shall furnish to the defendant such copy of his prior criminal record, if any, as is within the possession,
7 custody, or control of the government"

8 Mr. Gomez requests all arrest reports, investigator's notes, memos from arresting officers, dispatch
9 tapes, sworn statements, and prosecution reports pertaining to Mr. Gomez and available under Fed. R. Crim.
10 P. 16(a)(1)(B) and (C), Fed. R. Crim. P. 26.2 and 12(I). Mr. Gomez specifically requests that all dispatch
11 tapes or any other audio or visual tape recordings which exist and which relate in any way to his case and
12 or his arrest be preserved and provided in their entirety.

13 Specifically, Mr. Gomez requests a copy of the audiotape of *any* deportation hearing, as well as a
14 transcript of any such proceeding.

15 **III.**

16 **LEAVE TO FILE FURTHER MOTIONS**

17 Mr. Gomez has not yet received all requested discovery nor viewed his "A-File." After doing so,
18 it is likely that Mr. Gomez will need to file additional motions. Mr. Gomez respectfully requests the court
19 leave to file further motions if necessary.

20 **IV.**

21 **CONCLUSION**

22 Mr. Gomez requests that the Court to grant the above motions.

23 Respectfully submitted,

24 Dated: May 12, 2008

25 /s/ Erick L. Guzman
26 ERICK L. GUZMAN
27 Federal Defenders of San Diego, Inc.
28 Attorneys for Mr. Gomez

CERTIFICATE OF SERVICE

Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of his information and belief, and that a copy of the foregoing document has been served this day upon:

Christopher M. Alexander

Christopher.Alexander@usdoj.gov efile.dkt.nes@usdoj.gov

Dated: May 12, 2008

/s/ Erick L. Guzman
ERICK L. GUZMAN
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, CA 92101-5030
(619) 234-8467 (tel)
(619) 687-2666 (fax)
e-mail: Erick_Guzman@fd.org